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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 4, 2011

MEMBERS PRESENT: Erik Braun, John Brewer, Linda Marchand, Kay Rippentrop, Steve Rolinger, Andrew Scull, Josh Snyder, Jan Swank and Len Weimer. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Eric Christianson, Dennis Landguth and Dennis Popp.

STAFF PRESENT: Brett Limbaugh, Fletcher Lacock, Robert Laroco, Patsy Horton, Rich Broderick, Dale Tech, Ted Johnson, Allison Marsland and Risë Ficken.

Brewer called the meeting to order at 7:02 a.m.

Brewer reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that Items 3, 4 and 12 be removed from the Consent Agenda for separate consideration.

Brewer requested that Item 7 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger, seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 12 in accordance with the staff recommendations with the exception of Items 3, 4, 7 and 12. (9 to 0 with Braun, Brewer, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the July 21, 2011 Planning Commission Meeting Minutes.
2. No. 08PL145 - Homestead Subdivision
A request by Sperlich Consulting, Inc. for Ronald Shape to consider an application for a **Preliminary Plat** for proposed Lots 2 thru 13 of Block 7 and Lots 2 thru 12 of Block 8 of Homestead Subdivision, legally described as a portion of the SE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street and north of Carl Avenue.

Planning Commission recommended that the Preliminary Plat be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, a geotechnical report shall be submitted for review and approval supporting the pavement section, proposed slope stability that addresses the need for cathodic protection;**

2. Prior to Preliminary Plat approval by the City Council, a site plan showing building envelopes and identifying the approximate finished floor elevation shall be submitted for review and approval to insure that the maximum grade of the proposed driveway(s) is in compliance with the Street Design Criteria Manual;
 3. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that adequate fire and domestic water flows are being provided for the proposed development. In addition, the water and sewer plans shall be reviewed and approved by the Rapid Valley Sanitary District;
 4. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 6. Prior to submittal of a Final Plat application, the applicant shall demonstrate ownership and maintenance of the "Major Drainage Easement" located on proposed Lot 13;
 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 9. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.
5. No. 10VR007 - Scott's Addition
A request by Fisk Land Surveying & Consulting Engineers for Marilou Yarber to consider an application for a **Vacation of Right-of-Way** for portion of the Van Buren Street Right-of-way lying adjacent to the S1/2 of Lot 8 and the S1/2 S1/2 of Lots 9-11 of Block 20, Scott's Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 902 Silver Street.

Planning Commission continued the Vacation of Right-of-Way to the August 25, 2011 Planning Commission meeting.

6. No. 11CA006 - Section 16, T1N, R8E
Summary of Adoption Action for a request by Dream Design International, Inc. to consider an application for a **Comprehensive Plan Amendment to change the land use designation from General Commercial with a Planned Commercial Development to Medium Density Residential with a Planned Residential Development** for a portion of the SW¼ of the SW¼ of Section 16,

T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southwesterly corner of Section 16, T1N, R8E, thence, N69°10'45"E, a distance of 1416.06 feet, to a point on the northerly edge of East Minnesota Street right-of-way, and the point of beginning; Thence, first course: N45°27'18"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 522.14 feet; Thence, second course: northwesterly, along the northerly edge of said East Minnesota Street right-of-way, curving to the left, on a curve with a radius of 3050.00 feet, a delta angle of 07°24'33", a length of 394.41 feet, a chord bearing of N49°09'35"W, and chord distance of 394.14 feet; Thence, third course: N52°51'51"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 72.61 feet; Thence, fourth course: N07°51'51"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 35.36 feet, to the easterly edge of Marlin Drive right-of-way; Thence, fifth course: N37°08'09"E, along the easterly edge of said Marlin Drive right-of-way, a distance of 143.34 feet, to a point on the east-west section 1/16th line; Thence, sixth course: S89°56'57"E, along the east-west section 1/16th line, a distance of 647.74 feet, to the SW 1/16th corner of said Section 16; Thence, seventh course: S00°05'15"W, along the north-south section 1/16th line, a distance of 816.57 feet, to the point of beginning, more generally described as being located east of the intersection of East Minnesota Street and Marlin Drive.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

*8. No. 11UR017 - Rapid City Greenway Tract

A request by Convoy of Hope to consider an application for a **Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District** for Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park.

Planning Commission approved the Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District with the following stipulations:

1. **A Temporary Use Permit shall be obtained prior to initiation of the event;**
2. **Prior to issuance of a Temporary Use Permit, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;**
3. **All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;**
4. **All requirements of the Floodplain Development Ordinance shall be met at all times;**
5. **A Special Exception to the Floodplain Development Ordinance shall be obtained to allow structures to be located in the hydraulic**

- floodway or the site plan shall be revised to eliminate the structures from this area of the property;
6. Prior to initiation of the event, the applicant shall coordinate with the Rapid City Fire Department Assembly guide to ensure compliance with the International Fire Code and to ensure Emergency Vehicle access is maintained for the event and for all neighboring facilities;
 7. Prior to the initiation of the event, a traffic and pedestrian plan shall be submitted to the Rapid City Police Department and implemented as required to provide safe pedestrian travel to and from the event;
 8. No banners shall be allowed within the public right-of-way or on fences. In addition, all signs shall be on-premise signs and a sign permit shall be obtained pursuant to Section 15.28 of the Rapid City Municipal Code;
 9. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested;
 10. All electrical wiring shall comply with the applicable Uniform Building and Electrical Codes;
 11. The park grounds shall be cleaned continually and kept clear of debris and trash;
 12. No camping shall be permitted within the 100 Year Federally Designated Floodplain;
 13. Security shall be provided for the duration of the special event. Fencing shall be erected and maintained at all boundaries of the outreach event as outlined in the applicant's site plan. A weather radio shall be on-site and monitored continually; and,
 14. This Conditional Use Permit shall allow for the construction of temporary tents in a Flood Hazard District for use by Convoy of Hope on August 20, 2011. Set up shall be allowed on August 18 and 19 prior to the event. Tear down shall commence immediately following the event.

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

9. No. 11VR003 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of N. Cherry Street right-of-way lying adjacent to Lot 1 of Block 16, a portion of Pine Street right-of-way lying adjacent to Lot 3 of Block 16, a portion of E. New York Street right-of-way and a portion of E. Chicago Street right-of-way lying adjacent to Lots 1-3 of Block 16 of Feigels Addition located in the SW1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

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Planning Commission continued the Vacation of Right-of-Way to the August 25, 2011 Planning Commission meeting.

*10. No. 11PD030 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for an **Initial Residential Development Plan** for Lots 1 through 3 of Block 16 of Feigels Addition located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission continued the Initial Residential Development Plan to the August 25, 2011 Planning Commission meeting.

11. No. 11VR004 - Original Townsite of Rapid City

A request by Gene Fennell for Pennington County to consider an application for a **Vacation of Right-of-Way** for the alley right-of-way adjacent to Lots 1-12 and Lots 21-32 of Block 99 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as the alley right-of-way lying west of 1st Street between Kansas City Street and Saint Joseph Street.

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulation:

1. **Prior to City Council approval, a temporary utility easement and/or agreement, as determined by the City Attorney's Office, shall be secured to allow the existing private and public utilities to remain in the right-of-way until such time as the utilities are relocated and accepted by the City and/or private utility companies and to insure that no construction within the right-of-way occurs until the utilities are relocated and accepted. In addition, a copy of the recorded document shall be submitted to the Growth Management Department for review and approval.**

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Horton requested that Items 3 and 4 be considered concurrently.

3. No. 10OA015 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code.**

4. No. 10OA016 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to revise the requirements of sidewalk construction within 2**

years of the final plat approval by amending Section 16.16.090 of the Rapid City Municipal Code.

Horton requested that Items 3 and 4 be continued to the September 8, 2011 Planning Commission meeting.

Rolinger moved, Snyder seconded and unanimously carried to continue the Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code (10OA015) to the September 8, 2011 Planning Commission meeting; and, to continue the Ordinance Amendment to revise the requirements of sidewalk construction within 2 years of the Final Plat approval, to include requiring a sidewalk connecting the corner ramps and all sidewalks with the City's Extraterritorial jurisdiction, by amending Section 16.16.090 of the Rapid City Municipal Code (10OA016) to the September 8, 2011 Planning Commission meeting. (9 to 0 with Braun, Brewer, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

7. No. 11PL038 - Red Rock Meadows Subdivision

A request by Dream Design International to consider an application for a **Preliminary Plat** for proposed Lots 23 thru 27 of Block 7 and Lots 2 thru 3 of Block 12 of Red Rock Meadows Subdivision, legally described as a portion of the NW1/4 of the NW1/4 of Section 28 and a portion of the NE1/4 of the NE1/4 of Section 29 located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Dunsmore Road.

Brewer advised that he would abstain from voting on this item due to a conflict of interest.

Rolinger moved, Braun seconded and carried to recommend that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
- 3. Prior to submittal of a Final Plat application, the applicant shall enter into an agreement with the City for the installation and maintenance of decorative street lights if utilized;**
- 4. Prior to submittal of a Final Plat application, all stormwater improvements for Phase 4 of Red Rock Meadows shall be in place;**
- 5. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees shall be paid as required;**
- 6. Prior to the City's acceptance of the public improvements, a warranty**

surety shall be submitted for review and approval as required; and,

7. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. (8 to 0 to 1 with Braun, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes, with none voting no and with Brewer abstaining)**

12. 11TP018 - 2012–2016 Rapid City Area Transportation Improvement Program – Final Report

Horton reviewed the various agencies involved in the preparation of the Rapid City Area Transportation Improvement Program noting that the South Dakota Department of Transportation made revisions to the report after the agenda was distributed. Horton identified the changes that were made to the report and recommended approval of the Final Report as distributed on the dais.

In response to a question from Brewer, Horton explained that funding for the S.D. Highway 44/Jackson Boulevard reconstruction was included in year 2011 noting that construction will not occur until 2012 due to issues associated with the acquisition of right-of-way.

Rolinger moved, Marchand seconded and unanimously carried to recommend approval of the 2012-2016 Rapid City Area Transportation Improvement Program – Final Report as revised (August 2011). (9 to 0 with Braun, Brewer, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

13. No. 11SE002 - Rapid City Greenway Tract

A request by Convoy of Hope to consider an application for a **Special Exception to the Flood Area Construction Regulations** for Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park.

Tech presented the request noting that temporary structures are proposed to be placed in the floodplain in conjunction with the event. Tech indicated that staff recommends denial of the request to be consistent with requirements of the National Flood Insurance Program. Tech advised that exceptions for other events have been approved in the past noting that those approvals included a number of stipulations. Discussion followed.

In response to a question from Brewer, Tech advised that an exception for an event was recently granted that included a stipulation addressing multi-year approval.

In response to a question from Snyder, Tech stated that the event would occur on August 20, 2011 with setup occurring two days prior to the event and with the removal of all structures to occur immediately after the event.

Gavin Williams advised that setup would occur on Thursday August 18, 2011 with the structures to be removed immediately after the event.

Roy England indicated that the safety fence and caution tape will be located in the floodplain noting that the site plan has been adjusted to relocate the safety fencing and caution tape so that access to the public sidewalk will not be restricted.

Bryan Rice stated that the temporary structures consist of tents that will be set up on Thursday and removed on Saturday noting that security would be on the site overnight.

In response to a question from Scull, Tech clarified that there is a food service tent and portable toilets located in the floodplain as identified on the site plan.

Scull moved and Rolinger seconded to recommend that the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodplain be approved with the following stipulations:

- 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and,**
- 2. That the structures for the event be removed immediately after the event has ceased.**

In response to a question from Weimer, Rice explained that the Convoy of Hope is a non-denominational business community church gathering to help those in need. Rice stated that approximately 5,000 guests are expected to attend. Rice reviewed the activities that would take place during the event.

Braun requested that an additional stipulation be included in the approval that will require a contact person to be available on-call 24 hours per day to remove the structures from the property if requested.

In response to a question from Brewer, Tech indicated that the structures are not located in the public right-of-way.

Scull and Rolinger accepted a friendly amendment to the motion and unanimously carried to recommend that the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodplain be approved with the following stipulations:

- 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director;**
- 2. That the structures for the event be removed immediately after the event has ceased; and,**

3. **That the applicant have someone available on call 24 hours a day to take the event down should the need arise. (9 to 0 with Braun, Brewer, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)**

*14. No. 11UR018 - Riverside Addition

A request by A Perfect 10 to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment in conjunction with a Salon and Event Center** for the west 1/2 of Lot 4 and all of Lots 5-13 of Block 3 of Riverside Addition located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1109 West Omaha Street, Suite B.

Lacock presented the request and reviewed the staff report and slides. He stated that there is not sufficient parking on the property for the uses. He indicated that staff recommends approval of the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a salon and event center with stipulations, including the requirement that a parking agreement be signed securing the use of the 28 additional parking spaces on the adjacent property located to the south.

Rolinger moved and Marchand seconded to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment in conjunction with a Salon and Event Center with the following stipulations:

1. **All applicable provisions of the International Fire Codes shall be continually met;**
2. **Prior to initiation of the use, the property owner shall enter into a parking agreement to allow parking on the adjacent property described as Lots 21 and 22 of Block 3 of Riverside Addition located in Section 35, T2N, R7E, BHM, Rapid City Pennington County, South Dakota. In addition, a copy of the recorded parking agreement shall be submitted to the Growth Management Department;**
3. **A minimum of 76 parking spaces shall continually be provided including a minimum of four handicap accessible spaces with one being "van" accessible;**
4. **All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment;**
5. **All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Initial and Final Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Commercial Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
6. **All outdoor lighting shall be reflected within the property boundaries so**

as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;

7. All applicable provisions of the International Building Code shall be continually met;
8. The on-sale liquor establishment shall operate in conjunction with “A Perfect 10 Salon.” In addition, the events shall operate as approved in the submitted building plan. Any expansion of the on-sale liquor establishment shall require the review and approval of a Major Amendment to the Conditional Use Permit; and,
9. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

In response to a question from Snyder, Lacock stated that Happy Jacks and the Ichiban restaurant are on-sale liquor establishments and are located in the same commercial mall. Discussion followed.

The motion carried to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment in conjunction with a Salon and Event Center with the following stipulations:

1. All applicable provisions of the International Fire Codes shall be continually met;
2. Prior to initiation of the use, the property owner shall enter into a parking agreement to allow parking on the adjacent property described as Lots 21 and 22 of Block 3 of Riverside Addition located in Section 35, T2N, R7E, BHM, Rapid City Pennington County, South Dakota. In addition, a copy of the recorded parking agreement shall be submitted to the Growth Management Department;
3. A minimum of 76 parking spaces shall continually be provided including a minimum of four handicap accessible spaces with one being “van” accessible;
4. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment;
5. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Initial and Final Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Commercial Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
6. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any

kind;

7. All applicable provisions of the International Building Code shall be continually met;
8. The on-sale liquor establishment shall operate in conjunction with “A Perfect 10 Salon.” In addition, the events shall operate as approved in the submitted building plan. Any expansion of the on-sale liquor establishment shall require the review and approval of a Major Amendment to the Conditional Use Permit; and,
9. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 1 with Braun, Brewer, Marchand, Rippentrop, Rolinger, Scull, Swank and Weimer voting yes and with Snyder voting no)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

15. Discussion Items

A. Sidewalk Vendor Permit Update

Limbaugh stated that a summary of issues discussed at the last Planning Commission meeting related to the sidewalk vendor ordinance was distributed to the Planning Commission. Limbaugh indicated that the Planning Commission could assign a subcommittee to look further into the issues, bring back a recommendation for consideration and provide staff with direction for revising the ordinance.

Limbaugh indicated that the Planning Commission was welcome to provide additional input during the review of the summary and discussed issues related to the duration of permit approval.

Brewer noted that the original intent of the ordinance was to add zest and flavor to the downtown experience. Discussion followed concerning the potential for annual permitting, limiting the number of sites that any one individual may have and the addition of language that clarifies how the sites are expected to be used.

Swank indicated that the current use is not what was intended as one vendor can obtain all the sites and eliminate competition. Discussion followed concerning the potential for some of the sites to be released after they have been evaluated for profitability by the vendor.

Rolinger moved and Snyder seconded to form a Sidewalk Vendor Permit Subcommittee comprised of representatives from the City Attorney's Office, City Council, Planning Commission and Vendors.

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Limbaugh discussed additional issues related to subleasing of vendor sites, fees, insurance, impact on restaurants and priority for vendor permit approval. Discussion followed.

Discussion followed concerning vendors using sites other than their approved sites and the potential to cap the number of sites available to one vendor.

Braun suggested that Destination Rapid City and Rapid City Downtown Association have representation on the subcommittee. Discussion followed concerning site usage and subleasing.

Rolinger and Snyder accepted a friendly amendment and unanimously carried the motion to form the Sidewalk Vendor Permit Subcommittee comprised of one representative from the City Attorney's Office, John Roberts and one other alderman as the City Council representatives, Steve Rolinger and Josh Snyder as the Planning Commission representatives, John Ashley and Brady Douglas as the vendor representatives, one representative from the Rapid City Downtown Association, one representative from Destination Rapid City, with John Brewer serving as the ex-officio member. (9 to 0 with Braun, Brewer, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)

In response to a question from Scull, Horton stated that the Conditional Use Permit chart has been completed noting that she will contact members of the subcommittee to meet and review the document after the August 25, 2011 Planning Commission meeting. Discussion followed.

There being no further business, Scull moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:49 a.m. (9 to 0 with Braun, Brewer, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)